



Image

1632

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bahramian et al.  
Appl. No: 09/472/558  
File Date: December 27, 1999

Art Unit: 1632  
Examiner: Paras, Peter Jr.  
Docket No.: 2498/101,  
formerly 2281/102

Invention: MUTING GENE ACTIVITY USING A TRANSGENIC NUCLEIC ACID

\*\*\*\*\*

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail Service in an envelope addressed to the Commissioner for Patents, Patent and Trademark Office, P. O. Box 1450, Alexandria, VA, 22313 -1450, on March 18, 2004.

  
Barbara J. Carter, Ph.D.

\*\*\*\*\*

Honorable Commissioner of Patents  
Alexandria, VA

**SUPPLEMENT TO RESPONSE I**

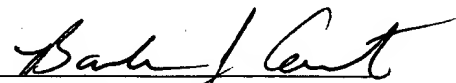
Dear Sir:

Applicants hereby submit a newly executed combined declaration and power of attorney, to replace the defective declaration currently on file, as required in the Office Action of November 10, 2003, p. 2. This newly executed combined declaration and power of attorney was inadvertently not sent with Response I filed on March 10, 2004. Applicants apologize for that oversight, and respectfully submit that the newly executed oath or declaration, submitted herewith, is now in compliance with 37 CFR §1.67(a).

It is believed that no additional extension of time, or fee, is required with this submission beyond the one-month extension that was requested, and for which fees were paid, with the response. In the event that additional fees are required for the timely consideration of this application, however, please charge deposit account number 19-4972.

Date: March 18, 2004

Respectfully submitted,

  
Barbara J. Carter  
Registration No. 52703  
Attorney for Applicants  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, Massachusetts 02110-1618  
Tel: 617/443-9292  
Fax: 617/443-0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mohammad B. Bahramian, Helmut Zarbl  
Application No.: 09/472,558 Group No.: 1632  
Filed: 12/27/1999 Examiner: Paras, Jr., P.  
For: Muting Gene Activity Using a Transgenic Nucleic Acid

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE TRANSMITTAL

1. Transmitted herewith is a supplemental response for this application and newly executed Combined Declaration and Power of Attorney.

STATUS

2. Applicant is a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

[X] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

[X] with sufficient postage as first class mail.

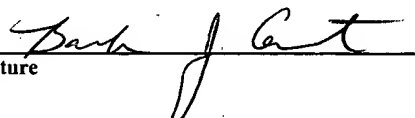
37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_.

  
Signature

Date: March 18, 2004

Barbara J. Carter

*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## FEE FOR CLAIMS

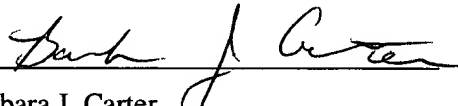
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDIT. FEE	
TOTAL	5	- 56	= 0	x	\$ 9.00	= \$	0.00
INDEP.	1	- 7	= 0	x	\$ 43.00	= \$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$ 0.00	= \$	0.00
TOTAL ADDIT. FEE						\$	0.00

No additional fee for claims is required.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 19-4972.

Date: March 18, 2004

  
 Barbara J. Carter  
 Registration No. 52,703  
 Bromberg & Sunstein LLP  
 125 Summer Street  
 Boston, MA 02110-1618  
 US  
 617-443-9292  
 Customer No. 02101



---

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

---

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Muting Gene Activity Using a Transgenic Nucleic Acid

**SPECIFICATION IDENTIFICATION**

The specification was filed on December 27, 1999, as Serial No. 09/472,558.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

**FILING DATE**

60/114,107

December 29, 1998

## POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Bruce D. Sunstein	27,234
Robert M. Asher	30,445
Timothy M. Murphy	33,198
Steven G. Saunders	36,265
Karen A. Buchanan	37,790
Samuel J. Petuchowski	37,910
Jeffrey T. Klayman	39,250
John J. Stickevers	39,387
Elizabeth P. Morano	42,904
Jay Sandvos	43,900
Alexander J. Smolenski, Jr.	47,953
John L. Conway	48,241
Barbara J. Carter	52,703
Shaun P. Montana	54,320
Charlton Shen	54,442
Kenneth S. Sachar	54,418

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### SEND CORRESPONDENCE TO

Barbara J. Carter  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618  
US  
02101

### DIRECT TELEPHONE CALLS TO:

Barbara J. Carter  
617-443-9292

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Mohammad B. Bahramian

Inventor's signature

Date Feb. 6, 2004

Residence Branford, CT

Post Office Address 175 Brushy Plain Road, Building 3, Apartment C6, Branford, CT 06405

M. B. Bahramian

Country of Citizenship United States

**Helmut Zarbl**

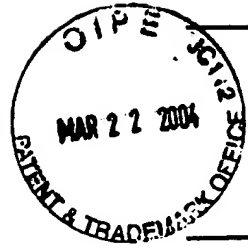
**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Country of Citizenship** United States

**Residence** Snoqualmie, WA

**Post Office Address** 35531 SE English Street, Snoqualmie, WA 98065

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Mohammad B. Bahramian

**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Country of Citizenship** United States

**Residence** Branford, CT

**Post Office Address** 175 Brushy Plain Road, Building 3, Apartment C6, Branford, CT 06405



Helmut Zarbl

Inventor's signature

Date 02/05/04

Residence Snoqualmie, WA

Post Office Address 35531 SE English Street, Snoqualmie, WA 98065

Country of Citizenship United States